

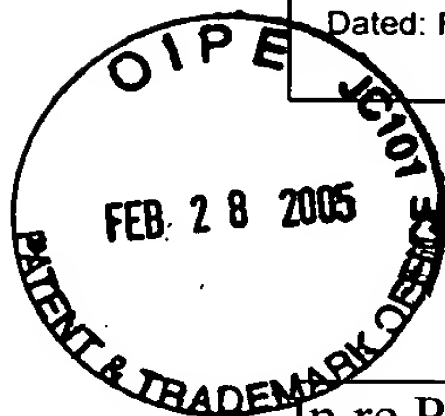
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 419 929 535 US, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 28, 2005

Signature: _____

(Megan E. Williams)

Docket No.: HUI-027CPDV1
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Laurie H. Glimcher *et al.*

Application No.: 09/879312

Confirmation No.: 6498

Filed: June 12, 2001

Art Unit: 1632

For: HUMAN C-MAF COMPOSITIONS AND
METHODS OF USE THEREFOR

Examiner: J. T. Woitach

DECLARATION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Megan E. Williams, hereby declare that:

1. I am the Attorney for The Presidents and Fellows of Harvard College, the assignee of the above-identified application.

2. The *Eschericia coli* strain containing the plasmid referred to as pHu-c-Maf was deposited at the American Type Culture Collection (ATCC) at P.O. Box 1549, Manassas, VA 20108, under the terms of the Budapest Treaty on February 24, 1998, and has been assigned ATCC Accession No. 98671. A copy of the deposit information is submitted herewith.

5. The *Eschericia coli* strain containing the plasmid pHu-c-Maf has been deposited under conditions that assure that access to the material will be available during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. §122.

6. During the pendency of the above-identified patent application, access to the deposits will be afforded to the Commissioner upon request.

7. Upon granting of a patent on the above-identified patent application, all restrictions on the availability to the public of the *Eschericia coli* strain containing the plasmid pHu-c-Maf will be irrevocably and without restriction or condition removed.

8. The *Eschericia coli* strain containing the plasmid pHu-c-Maf will be maintained with all the care necessary to keep them viable and uncontaminated for a period of at least five years after the most recent request for furnishing of a sample of the deposited cell line, and, in any case, for a period of at least thirty (30) years after the date of deposit or for the enforceable life of the patent, whichever period is longer.

9. The viability of the *Eschericia coli* strain containing the plasmid pHu-c-Maf was tested at the time the deposits were made and the tests indicated that the *Eschericia coli* strain containing the plasmid pHu-c-Maf was viable.

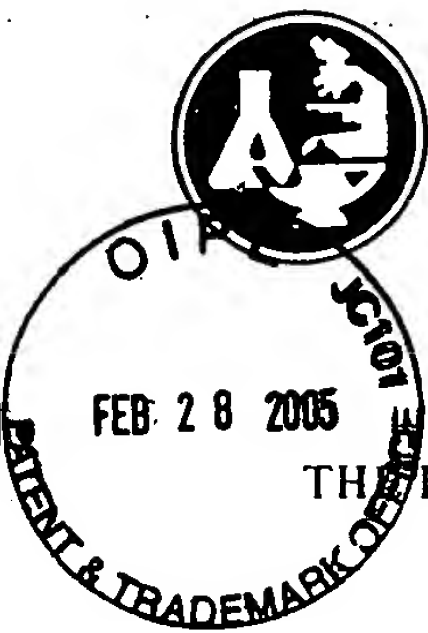
10. If the *Eschericia coli* strain containing the plasmid pHu-c-Maf becomes nonviable or non-replicable, the deposit(s) shall be replaced

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issued thereon.

February 28, 2005
Date: February 28, 2005

Meg-EO
Megan E. Williams, Esq.
Registration No. 43,270
Attorney for Applicants

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
Telephone: (617) 227-7400
Facsimile: (617) 742-4214



American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH • FAX: 301-770-2587

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Harvard School of Public Health
Attn: Laurie H. Glimcher, M.D.
665 Huntington Avenue
Boston, MA 02115

Deposited on Behalf of: President and Fellows of Harvard College

Identification Reference by Depositor:

ATCC Designation

Escherichia coli containing pBluescript KS pHu-c-Maf

98671

The deposit was accompanied by: ☐ a scientific description ☒ a proposed taxonomic description indicated above.

The deposit was received February 24, 1998 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested February 27, 1998. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: February 27, 1998

cc: Giulio A. DeConti, Jr. (Ref. Docket HUI-027)